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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,209	07/31/2003	John McCalla	6785.33-1	1431
23559 7590 08/06/2008 MUNSCH, HARDT, KOPF & HARR, P.C. INTELLECTUAL PROPERTY DOCKET CLERK 3800 LINCOLN PLAZA 500N AKARD STREET DALLAS, TX 75201				
EXAMINER				
LIN, JASON K				
ART UNIT		PAPER NUMBER		
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08/06/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/631,209

**Applicant(s)**

MCCALLA ET AL.

**Examiner**

JASON K. LIN

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 23-38 and 45-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 23-38 and 45-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/18/2004, 06/14/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to application No. 10/631,209 filed on 05/28/2008. **Claims 1-16, 23-38, and 45-60** are pending and have been examined.

#### ***Election/Restrictions***

2. Applicant's election of Group I, Claims 1-16, 23-38, and 45-60 in the reply filed on 05/28/2008 is acknowledged.

Claims 17-22, 39-44, and 61-66 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. The Election was made in the reply filed on 05/28/2008.

However, the applicant has not indicated whether the election was made **with** or **without** traverse. Please indicate in the next response whether or not the following election of Group I, Claims 1-16, 23-38, and 45-60 were made **with** or **without** traverse.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) filed on 03/18/2004 and 06/14/2004 is considered.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 4-8, 10-11, 14-16, 23, 26-30, 32-33, 36-38, 45, 48-52, 54-55, and 58-60** are rejected under 35 U.S.C. 102(e) as being anticipated by Chane et al. (US 2003/0084449).

Consider **claims 1, 23, and 45**, Chane teaches a computer-readable medium, apparatus, and method for displaying information (Fig.1A; Paragraph 0054), comprising:

a device (40 set-top box), comprising:

a processor (Paragraph 0054 teaches software that is used by the set-top box for executing the invention. *It inherently has a processor for running/processing the computer software*); and

a memory having stored thereon an instruction set to be executed, the instruction set, when executed by said processor (Paragraph 0054 teaches the client-side computer software may be flashed onto the set-top box. *The set-top box must have a memory for storing the software, in order for software to be flashed onto the set-top box*), causes the processor to perform the steps of:

displaying a television ticker on a display device associated with said device, said television ticker comprising of a plurality of information items (Fig.1A; Paragraph 0013, 0031);

automatically displaying one or more of said plurality of information items in a predetermined order (Paragraph 0040); and  
interrupting said automatic display of said one or more of said plurality of information items in response to receiving a user input (Paragraph 0041).

Consider **claims 4, 26, and 48**, Chane teaches wherein said plurality of information items are divided into a plurality of categories (Paragraph 0012-0013, 0031).

Consider **claims 5, 27, and 49**, Chane teaches further causing the processor to perform the step of displaying one or more information items selected by said user (Paragraph 0041).

Consider **claims 6, 28, and 50**, Chane teaches further causing the processor to perform the steps of: determining a category selected by said user; and displaying one or more information items from said plurality of information items, said one or more information items being related to said selected category (Paragraph 0041, 0039).

Consider **claims 7, 29, and 51**, Chane teaches further causing the processor to perform the steps of: determining a sub-category selected by

said user; and displaying one or more information items from said plurality of information items, said one or more information items being related to said selected sub-category (Paragraph 0032, 0041, 0039).

Consider **claims 8, 30, and 52**, Chane teaches further causing the processor to perform the steps of: determining whether a current category comprises at least one sub-category; and automatically displaying information items under each of said at least one subcategory in response to determining that said current category comprises at least one subcategory (Paragraph 0032, 0041, 0039).

Consider **claims 10, 32, and 54**, Chane teaches further causing the processor to perform the step of receiving said plurality of information items over a broadcast network (Paragraph 0048, 0051, 0054, 0109).

Consider **claims 11, 33, and 55**, Chane teaches further causing the processor to perform the step of receiving said plurality of information items over an interactive television network (Fig.1A; Paragraph 0028, 0048, 0051, 0054, 0109)

Consider **claims 14, 36, and 58**, Chane teaches further causing the processor to perform the step of receiving said plurality of information items over a data network (Paragraph 0048, 0051, 0054, 0109).

Consider **claims 15, 37, and 59**, Chane teaches further causing the processor to perform the step of displaying said television ticker in response to receiving a signal to display said television ticker (Paragraph 0030).

Consider **claims 16, 38, and 60**, Chane teaches wherein said display device is associated with an interactive television device (Paragraph 0030, 0054).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-3, 9, 12-13, 24-25, 31, 34-35, 46-47, 53, and 56-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chane et al. (US 2003/0084449) in view of Knudson et al. (US 6,536,041).

Consider **claims 2, 24, and 46**, Chane teaches further causing the processor to perform the step of continuing said automatic display of said one or more of said plurality of information items upon expiration of a predetermined time period.

In an analogous art Knudson teaches, continuing said automatic display of said one or more of said plurality of information items upon expiration of a predetermined time period (Col 15: lines 48-53).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Chane's system to include continuing said automatic display of said one or more of said plurality of information items upon expiration of a predetermined time period, as taught by Knudson, for the advantage of providing a more convenient display method, allowing for users to view desired information, without having to perform extra actions, relieving burden from the user.

Consider **claims 3, 25, and 47**, Chane teaches further causing the processor to perform the step of continuing said automatic display of said one or more of said plurality of information items upon expiration of a predetermined time period during which no user input is received.

In an analogous art Knudson teaches, continuing said automatic display of said one or more of said plurality of information items upon expiration of a predetermined time period during which no user input is received (Col 15: lines 48-53, 39-42).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Chane's system to include continuing said automatic display of said one or more of said plurality of information items upon expiration of a predetermined time period during which no user input is



received, as taught by Knudson, for the advantage of providing a more convenient display method, allowing for users to view desired information, without having to perform extra actions, relieving burden from the user.

Consider **claims 9, 31, and 53**, Chane does not explicitly teach further causing the processor to perform the step of receiving said plurality of information items over a satellite system.

In an analogous art Knudson teaches, receiving said plurality of information items over a satellite system (Col 5: line 53 - Col 6: line 10, Col 6: lines 26-30, 34-43).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Chane's system to include receiving said plurality of information items over a satellite system, as taught by Chane, for the advantage of being able to provide information to users located in further locations, whose only form of communications may be wireless.

Consider **claims 12, 34, and 56**, Chane teaches further causing the processor to perform the step of receiving said plurality of information items over an interactive television network (Fig.1A; Paragraph 0028, 0048, 0051, 0054, 0109), but does not explicitly teach using an RF signal.

In an analogous art Knudson teaches, receiving plurality of information items using an RF signal (Col 5: line 53 - Col 6: line 10, Col 6: lines 26-30, 34-43).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Chane's system to include receiving plurality of information items using an RF signal, as taught by Chane, for the advantage of providing information via a well established system, with local existing infrastructure, communicating information to large masses of people.

Consider **claims 13, 35, and 57**, Chane does not explicitly teach further causing the processor to perform the step of receiving said plurality of information items over a cable system.

In an analogous art Knudson teaches, receiving said plurality of information items over a cable system (Col 5: line 53 - Col 6: line 10, Col 6: lines 26-30, 34-43).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Chane's system to include receiving said plurality of information items over a cable system, as taught by Chane, for the advantage of providing information via a well established system, with widespread existing infrastructure, communicating information to large masses of people.

***Cited Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Billmaier et al. discloses categories, subcategories, and content items in a ticker in (US 2003/0226152).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

07/31/2008

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623